

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MILAN EDWARD JURKOVIC,

Defendant.

Case No. CR23-1RSL

ORDER GRANTING
MOTION TO CONTINUE
TRIAL AND PRETRIAL
MOTIONS DUE DATE

This matter comes before the Court on defendant's "Motion to Continue Trial Date and Pretrial Motions Deadline." (Dkt. # 19). Having considered the facts set forth in the motion, and defendant's knowing and voluntary waiver (Dkt. # 22), the Court finds as follows:

1. The Court adopts the facts set forth in the motion: in particular, defense counsel has two state court trials scheduled in September 2023, each of which contains "forensic issues and extensive discovery" and are estimated to take three to five weeks. The Court accordingly finds that a failure to grant a continuance would deny counsel, and any potential future counsel, the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

2. The Court finds that a failure to grant a continuance would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

3. The Court finds that the additional time requested between the current trial date of November 13, 2023, and the new trial date of December 4, 2023, is a reasonable period of delay. The Court finds that this additional time is necessary to provide defense counsel reasonable time to prepare for trial, as defendant has requested more time to prepare for trial, to continue to investigate the matter, to gather evidence material to the defense, and to consider possible

1 defenses. The additional time requested between the current trial date and the new trial date is
2 necessary to provide counsel for the defendant the reasonable time necessary to prepare for trial,
3 considering all of the facts set forth above.

4 4. The Court further finds that this continuance would serve the ends of justice, and
5 that these factors outweigh the best interests of the public and defendant in a speedier trial,
6 within the meaning of 18 U.S.C. § 3161(h)(7)(A).

7 5. Defendant has signed a waiver indicating that he has been advised of his right to a
8 speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived
9 that right and consented to the continuation of his trial to a date up to and including February 12,
10 2024, Dkt. # 22, which will permit his trial to start on December 4, 2023.

11 IT IS HEREBY ORDERED that the trial date shall be continued from November 13,
12 2023 to December 4, 2023, and pretrial motions are to be filed no later than October 13, 2023;

13 IT IS FURTHER ORDERED that the period of time from the date of this Order, up to
14 and including the new trial date, shall be excludable time pursuant to the Speedy Trial Act, 18
15 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and granting of this motion
16 is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D), (h)(7)(A), and
17 (h)(7)(B).

18 DATED this 11 day of September, 2023.
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22 Robert S. Lasnik
23 United States District Judge
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